

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES

March 4, 2009

7:30 P.M.

Room 206, Town Hall

Acting Chairperson Susan Cameron called the meeting to order at 7:30 P.M. Commission Members Present: Susan Cameron; Pete Kenyon, Michael Tone, Craig Flaherty, and Ellen Kirby.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Ms. Cameron read the first agenda item:

EPC-6-2009, Wai Ping Wong and Shuk-Han Wong 31 Relihan Road, proposing house additions within an upland review area. The site is shown on Assessor's Map #44 as Lot #18.

Steven Jones and Mr. Wong represented the applicant. Mr. Jones said the applicant is proposing a 1 and ½ story building with an expansion to the rear. He said the only expansion possibility on the lot is to the rear. He said a detention area is proposed in the rear yard area.

Mr. Tone asked if the plan was to excavate for the basin. Mr. Jones said they would excavate about 18" and create a slight berm.

Ms. Kirby asked if the basement would require a sump pump. Mr. Jones said there is an exiting partial basement and which is part garage and there is an existing sump pump.

Mr. Kenyon asked if the proposed basement would be at the same elevation. Mr. Jones said yes.

Mr. Flaherty asked if they would be proposing wetland enhancement. Mr. Jones described the proposed planting plan along the wetland perimeter. Mr. Flaherty asked if they would allow re-growth of the wetland. Mr. Jones said yes.

Mr. Tone asked how they would control runoff during construction. After discussion with Mr. Jones and Mr. Flaherty, it was determined that the erosion controls would be extended along the rear of the construction and an additional silt fence added in the front yard.

Mr. Jones described the detention basin as capable of holding the runoff volume without accounting for percolation.

Mr. Kenyon asked them to consider using grass pavers instead of gravel. After discussion, the Commission decided to recommend rather than require grass pavers.

There was a discussion of the Relihan Road drainage improvements and the resulting reduction of storm flows to the watercourse on the property.

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Mr. Tone made a motion to approve the application subject to a revised planting plan to be concentrated along the rear and side of the lot adjacent to the watercourse and within the building setback, additional erosion and sediment controls. Ms. Cameron seconded the motion and it passed 5-0.

Ms. Cameron read the next agenda item:

EPC-7-2009, Ian M. Duncan, 87 Nearwater Lane, proposing dock construction, a portion of which is within the 100 foot upland review area from Holly Pond. The site is shown on Assessor's Map #52 as Lot #4.

Attorney Bruce Hill represented the applicant. He described the pier construction in the regulated area to support the pier construction and gangway leading to the proposed dock. He said a portion of the stairway and 10 feet of the pier will be above mean high water. He described the Army Corp permit and CAM application process.

Mr. Flaherty asked if there would be a path to get access from the dock to the house. Mr. Hill said it would be difficult to have a path through the tidal wetlands.

Mr. Tone asked about the timber piers and types of preservatives. Mr. Hill said the DEP has requirements and conditions in their permit regarding this.

Ms. Cameron said she would like to see a defined path through the spartina to access the dock.

Mr. Kenyon asked about the construction sequence. Mr. Hill referred to the Roberge report and plans.

Ms. Cameron made a motion to approve the application with a stipulation that a path be defended through the spartina to the gangway. Mr. Flaherty seconded the motion and it passed 5-0.

Ms. Cameron read the next agenda item:

EPC-8-2009, Brian and Louise Murphy, 708 Hollow Tree Ridge Road, proposing a swimming pool within an upland review area. The site is shown on Assessor's Map # 2 as Lot #72.

Allan Broadbent, L.A. represented the applicant. He described the proposed pool at its closest point of 31 feet to the wetland boundary.

Mr. Kenyon said it appeared to be too close to the wetland. He asked if it could be moved closer to the house.

Ms. Cameron said the terrace would be 21 feet to the wetland. She asked if they could look at cutting back on decking to save trees. Mr. Broadbent said the trees are close to the construction. He said they could provide additional replacement trees.

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Mr. Broadbent will look at alternative layouts to save trees

Mr. Tone suggested they look at shrinking the deck and providing additional mitigation.

Ms. Cameron asked for minutes and the resolution from the original house application.

Mr. Jacobson explained the existing runoff problem which could be improved.

Ms. Cameron read the next agenda item:

EPC-9-2009, Sadai Garanaki, 11 Hope Drive, proposing septic system repair within an upland review area. The site is shown on Assessor's Map #69 as Lot #14.

Ms. Cameron read the next agenda item:

Doug DiVesta, P.E. represented the applicant. He described the exiting conditions and the failed septic system bubbling out of the ground.

Ms. Cameron asked why the existing system failed. Mr. DiVesta said the original fill may have been poor and the area was compacted. Ms. Cameron asked why not dig up and replace the existing system. Mr. DiVesta said the underlying soils were poor.

Mr. Flaherty said it was disappointing that the system failed. He said the Commission's hands are tied. He asked Mr. DiVesta about other options.

Mr. DiVesta said he said they looked at other options like dose distribution but it would be like a band aid. They are already reducing flows.

Ms. Cameron asked them to have the design engineer inspect during installation.

Mr. Tone made a motion to approve with conditions including supervision of the installation and inspections. Ms Cameron seconded the motion and it passed 4-1. Mr. Kenyon was opposed.

EPC-10-2009, William Hancock, 227 Leroy Avenue, proposing pond dredging and dam alteration. The site is shown on Assessor's Map #19 as Lot #35.

Ms. Cameron read the next agenda item:

Mr. Flaherty was recused for this application.

Joseph Rissoli, P.E., represented the applicant.

The Commission determined that it would be in the public interest to hold a public hearing on this application. Mr. Rissoli briefly described the dredging process.

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Mr. Tone asked Mr. Rissoli to be prepared to discuss the possible effects on flooding in the area.

Mr. Kenyon asked him to be prepared to discuss the effect on upstream properties.

The Commission scheduled a public hearing for April 1, 2009.

EPC-11-2009, Country Club of Darien, 300 Mansfield Avenue, proposing pond dredging. The site is shown on Assessor's Map #5 as Lot #40.

Tim O'Neill, Superintendent, represented the applicant. He described the maintenance dredging project.

Mr. Kenyon made a motion to approve the application. Ms. Cameron seconded the motion and it passed unanimously.

Ms. Cameron read the public hearing agenda item:

EPC-60-2008, VR Associates, 305 Middlesex Road, proposing demolition of an existing residence, construction of a new residence, and related site construction within a regulated area. The site is shown on Assessor's Map #9 as Lots #71 and 72.

The hearing was continued until April 1, 2009 at 8:00 P.M.

Ms. Cameron read the next agenda item:

Planning & Zoning Commission Referral

Proposed Amendments to the Darien Subdivision Regulations re: Stormwater Management

The Commission heard the subcommittee report from Mr. Flaherty and Mr. Tone regarding edits made over the past weeks. Mr. Flaherty reached a consensus on comments to provide to P&Z and will circulate them for review.

Mr. Tone made a motion to approve the minutes of February 4 as amended. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Tone made a motion to adjourn. Mr. Flaherty seconded the motion and it passed unanimously.

The meeting adjourned at 9:55 P.M.

Respectfully submitted,

Richard B. Jacobson  
Environmental Protection Officer